



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,977	02/28/2002	John J. Loy	4020 P 005	9041
21967 7590 06/18/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,977	LOY, JOHN J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frantzy Poinvil	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18,20-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,20-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 1/4/2007 have been fully considered but they are not persuasive.

It appears that the Applicant has not provided any explanations regarding the relevancy of the inordinate amount of the number of cited references. The references have been placed in the file and have not been considered.

Applicant has amended the independent claims by adding the "offering the receivable corresponding to the invoice for sale to third [parties] party participants " and concludes that these changes provide patentable differences from Tarter.

In response, the Examiner disagrees and asserts that the offering receivable in the system of Tarter corresponds to invoice for sale and the term "parties" and "party participants" are similar and undistinguishable and provides no patentable distinction.

2. The information disclosure statement filed 12/01/2006 fails to comply with 37 CFR 1.98 because it does not include a concise explanation of the relevance of the listed references. It has been placed in the application file, but the information referred to therein has not been considered.

Thus the prior art rejection remains outstanding and is repeated below.

***Information Disclosure Statement***

3. The information disclosure statement filed 3/8/2006 and 11/16/2005 fails to comply with 37 CFR 1.98 because it does not include a concise explanation of the relevance of the listed references. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 19-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarter et al (US Patent No. 5,550,734).

As per claims 1-18, 19-24 and 26-27, Tarter et al et al disclose a computerized healthcare accounts receivable purchasing collections, securization and management system and method. The method and system comprise receiving data comprising an invoice with payable and receivable information from a first participant involved in a transaction and storing the information in a receivable clearinghouse and generating electronic invoice information in response to the invoice received from the first participant. The claimed participant being a healthcare provider and the claimed receivable clearinghouse being the "Pharmacy Fund, Inc." (PFI) of the system of Tarter et al. Applicant is directed to column 10, lines 25-38 of Tarter et al.

Art Unit: 3692

Tarter et al further teach transmitting the electronic invoice information on behalf of the first participant to a second participant or payor or obligor of the system of Tarter et al, the electronic invoice including one or more payment terms wherein one term requires payment of the receivable be sent to the receivable clearinghouse (column 10, lines 25-62, column 15, lines 13 of Tarter et al.); receiving payment from the second participant t (see also column 10, lines 25-62, column 15, lines 13 of Tarter et al.); recording a receipt of the payment in the receivable clearinghouse and crediting the receipt of the payment to the first participant. See column 15, lines 1-13 and column 14, lines 21-42 of Tarter et al. Since the PFI obtains the receivables, it would have been obvious to one of ordinary skill in the art that the receivables were offered for sale to third parties over a receivable marketplace associated with the receivable clearinghouse or PFI wherein the receivable marketplace being accessed by a receivable trading apparatus.

In any event, Field discloses a system and method for facilitating the selling and purchasing of a receivable. See the abstract of Field.

Field also teaches receiving a confirmation offer from a first participant comprising an agreement on an amount and a date, and forwarding the confirmation offer to the second participant. Field further provides a contract between a buyer and a seller. See figures 3, 4 and 7 of Field. Field then teaches providing means or steps for facilitating negotiations between first and second participants and coordinating fund settlements between the first and second participants. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Field into Tarter et al in order to allow a first and second participant to

Art Unit: 3692

negotiate terms of an offer. The motivation would have been to provide a real world environment where terms of a contract or offer are negotiated. In the system of Tarter et al, the types of participants include a receivable owner sponsor and a receivable debtor sponsor. Field discloses respective banks and other participants may act on behalf of the respective receivable owner or receivable debtor for performing similar claimed functions.

The PFI in the system of Tarter resolve transactions on behalf of the receivable owner or receivable debtor. See column 32, lines 54-67 and column 43 lines 30-65 of Tarter et al. Both Tarter et al and Field et al disclose a management system for managing and reporting compiled data received from the participants.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3692

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3692**

FP  
March 13, 2007